REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on June 15, 2009. By virtue of this amendment, claims 1, 11, 21, 24, 31, and 33 are amended. No new matter has been added by this amendment. Thus, claims 1- 26 and 31-34 are pending in this application, with claims 1, 11, 21, 24, 31, and 33 being independent.

Claims 1-6, 8, 10, 21, 23, 31, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Erimli (US Patent No. 6,980,520). Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Erimli in view of Kim et al. (US Patent Publication No. 2003/0219027). Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Erimli in view of Montalvo et al. (US Patent Publication No. 2003/0147385). Claims 11-20, 24, 26, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erimli in view of Levine (US Patent No. 6,504,818). Claims 22 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erimli (US Patent No. 6,980,520) in view of Leach, JR. et al (US Patent Publication No. 2002/0089994).

Claim 1 recites:

> A method of managing flow of datagram traffic, the method comprising:
>
> receiving datagrams from a first port of a first device at a first port of a second device using a pathway that is operably connected to a second port of the first device and a second port of the second device;
>
> determining an individual port on the first device that is causing oversubscription of the first port of the second device;
>
> transmitting a pause frame from the second device to the first device, the pause frame causing the individual port to pause transmission of the datagrams using the pathway, independently of a source address of the datagrams; and
>
> receiving datagrams from a third port of the first device at the first port of the second device using the pathway, while the individual port on the first device is paused.

Erimli discloses, as discussed in Applicant's response of April 30, 2009, "Source-Based Flow Control Across Multiple Devices …The present invention is directed to a source-based flow control mechanism in a network device, such as multiport switch 180. The present invention modifies a conventional MAC control pause frame to include a source address field

relating to the source of the congestion. The multiport switch 180 … identifies a source address associated with a congestion condition and transmits a MAC control pause frame including the identified source address. A second switch receives the MAC control pause frame and suspends transmission to multiport switch 180 of data frames having the source address included in the pause frame. *The second switch* may also identify the port associated with the source address included in the pause frame. The second switch may then transmit a similar MAC control pause frame on the port associated with the source address." Erimli further discloses, "(t)he multiport switch 180A may then transmit the MAC control pause frame 600 (including source address field 610)…(t)he multiport switch 180B may also perform an address lookup operation to identify ht eport associated with the source address in source address field 610" (of the MAC control pause frame).

In contrast, claim 1 recites causing the individual port to pause transmission of the datagrams using the pathway, independently of a source address of the datagrams. For example, Applicant's description discloses that an individual port may be paused selectively, based on a threshold value (for datagram traffic) stored and associated with the individual port. Although such a pausing operation may be executed while taking a source address of datagrams into account, the operation of selectively pausing the port in question is clearly disclosed as being executed based on a volume of data traffic, independent of source address(es) of the individual datagrams.

Applicant respectfully submits that because the entirety of Erimli is directed to "source-based flow control" as referenced above, no reasonable interpretation of Erimli may be made in which Erimli discloses or renders obvious the selective pausing of an individual port, independent of a source address(es) of datagrams transmitted thereover, as recited in claim 1. None of the remaining art of record (including Kim et al., Montalvo et al., Levine, or Leach, Jr.) cure these deficiencies of Erimli, or would have been used to modify Erimli to arrive at Applicant's claimed invention as recited in claim 1. Therefore, independent claim 1, as well as dependent claims 2-10, are allowable for at least these reasons. Independent claims 11, 21, 24, 31, and 33 recite the same or similar features, and are thus allowable for at least the same reasons, along with their respective dependent claims.

Conclusion

Applicant believes that all the application is condition for examination on the merits and respectfully requests such examination. The Examiner may telephone Applicant's attorney (202-470-6452) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-3521.

Respectfully submitted,

Brake Hughes Bellerman LLP

Date November 16, 2009

By: /William G. Hughes, Reg. No. 46,112/
William G. Hughes
Reg. No. 46,112